



**ZACHARY W. CARTER**  
*Corporation Counsel*

**THE CITY OF NEW YORK  
LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

**JOSHUA M. FRIEDMAN**  
*Senior Counsel*  
Phone: (212) 356-2368  
Fax: (212) 356-3509  
jofriedm@law.nyc.gov

January 28, 2018

**BY E.C.F.**

Honorable Alison J. Nathan  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Kevin Daniels v. New York City, et al., 16 Civ. 9080 (AJN)

Your Honor:

I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for defendants in the above-referenced matter. Defendants write to respectfully request a two week extension of time, from January 29, 2018 until February 12, 2018, to complete expert discovery. Plaintiff's counsel consents to this request. This is defendants' first request to extend expert discovery. No other deadlines will be affected by this request. Defendants apologize to the Court for making this request late and are taking steps to move this case along as quickly as possible.

The reason for the request is that defendants require additional time to produce our expert report. Defendants will use the additional time to produce our expert report to plaintiff sometime this week. Moreover, the additional time will allow plaintiff to review the expert report, decide whether he would like to depose defendants' expert, and complete the expert deposition if needed. Expert discovery may even be completed in less than 2 weeks, should plaintiff elect to not depose defendants' expert.

Granting defendants' request will not prejudice either party, slow down the litigation, or affect any upcoming deadlines. Outstanding discovery includes: Court Ordered nonparty depositions scheduled for January 30, 2018; and defendants still anticipate filing a partial summary judgment motion. The two week extension to produce the expert report will not affect these current deadlines, and the parties can complete expert discovery at the same time we handle the non-party depositions and summary judgment briefing.

Accordingly, defendants respectfully request until February 12, 2018 to complete expert discovery.

Defendants thank the Court for its time and consideration of the matters herein and apologize again for making this request late.

Respectfully submitted,  
/s/  
Joshua M. Friedman  
*Senior Counsel*  
Special Federal Litigation Division

cc: **By E.C.F.**  
Fred Lichtmacher, Esq.